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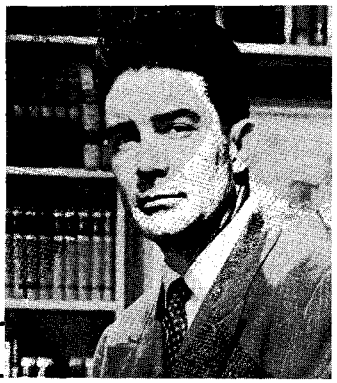

DAN SMOOT

THE SUPREME COURT'S APPORTIONMENT DECISIONS

One essential principle of our constitutional system is that the Constitution is a binding contract, meaning exactly what it says, to be obeyed explicitly by all agencies of the federal government. If the President or any of his appointed officials, or members of Congress, believe that the federal government should do something, the federal government cannot legally act — no matter how urgent the *need* for such action may seem to be, and no matter if the total population of the nation approves the action — unless some provision of the Constitution, as amended, clearly authorizes such action. If — for any purpose whatever, even if in response to the demands of all the people — the federal government acts without clear constitutional authority, then we have *unauthorized, lawless* government.

Since human beings — including Presidents and Members of Congress — are fallible, it is inevitable that Congress will occasionally enact, and the President will approve, a law which the President and a majority of Congress *think* the Constitution authorizes — but which other people, affected by the law, *think* the Constitution does not authorize.

If persons aggrieved by what they consider an unconstitutional federal law challenge it in a federal district court, the valid role of the court is to determine whether the Constitution as amended does clearly authorize the law. The court has no authority to consider the social, economic, political or other *merits* or *demerits* of the law. The court cannot validly consider such questions as whether the law would be "good" or "bad" for the country or whether "the people" seem to want or not want the law. The court can legally consider only one question: does the Constitution as amended obviously give the federal government power to enact the law? In deciding this question, the court cannot validly entertain such considerations as "modern needs" or "changing times," or "altered conditions" in our society. In making its decision, the court cannot legally rely on its own, or any other, contemporary "opinion" about the meaning of the constitutional provision in question. Legally, the court must restrict itself to determining what the constitutional provision in question meant *at the time it was written and adopted, to the people who wrote and adopted it.*

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The *original* intent of any provision of the Constitution as amended *must* be determined by the *original* historical record of that provision. In the case of a provision in the Constitution itself, the record consists of debates at the Constitutional Convention of 1787; discussions of the provision in the *Federalist Papers* (a collection of essays written by James Madison, Alexander Hamilton, and John Jay, explaining the meaning of the Constitution, to persuade the people of the States to approve ratification); and debates on the provision in the State Legislatures or State Conventions which ratified the Constitution.

In the case of a Constitutional Amendment, the records revealing its *original* intent consist of debates in the national Congress which submitted the Amendment, and debates in the State Legislatures which adopted it.

If all of these records, and the language of the constitutional provision itself, do not *obviously* make clear that the federal government had specific constitutional authority to enact the challenged law, then the federal district court must — if acting within the limits of constitutional authority and duty — declare the federal law *unconstitutional*. It is an absolute certainty, beyond any possibility of reasonable doubt, that the intent of the people who wrote the Constitution, and of those who adopted it, was to establish the federal government as a government of *enumerated* powers. If the Constitution does not *enumerate* — that is, clearly specify — a power which the people granted to the federal government, the government cannot legally assume that it has that power.

The original intent to limit the federal government to specifically enumerated powers is made clear in the opening phrase of the first article of the Constitution, which says "All legislative powers *herein* granted...." The intent is reinforced, and made obvious beyond any shadow of doubt, by the Ninth and Tenth Amendments. The Ninth Amendment says:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Tenth Amendment says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

If a federal district judge hands down a decision about the constitutionality of a federal law, either side (the federal government which enacted the law, or the person who challenged it) can appeal. The next legal step is a federal Circuit Court of Appeals. Either side may appeal the Circuit Court's decision. The court of last resort in such cases is the Supreme Court of the United States.

Legally, the Supreme Court is limited to a determination of whether the lower courts were correct — chiefly, whether they decided in compliance with the *original* intent of the constitutional provision, as revealed by the *original* historical records.

If the Supreme Court were composed entirely of intelligent legal scholars who understand and respect the Constitution and who have the integrity to uphold the Constitution and stay within the limits of their constitutional authority, regardless of their own preferences, the Supreme Court would never make a *wrong* decision on a constitutional question. In practically all cases, the historical record would emphatically reveal that the Constitution did or did not grant a power which the federal government assumed in enacting a questioned law. In rare cases where there may be reasonable doubt, the Supreme Court would hold the questioned law unconstitutional, because of the universally recognized intent of the Constitution to limit the federal government to powers *clearly* specified.

What if the Supreme Court, acting within the limits of these constitutional principles and requirements, nullifies a federal law which a majority of the people want? Must the people be forever prohibited by an 18th Century Constitution, from acting, through their federal government, to do something which a majority of the people clearly want done? What is the remedy if the Constitution does not clearly authorize federal action which the people want? The remedy is not for the Supreme Court to reinterpret the Constitution

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— to decide that it now means, or should mean, something different from what it originally meant. The only legal, and *safe,* remedy is for the people, acting through processes specified in their Constitution, to amend the Constitution and give the federal government clear authority to do what the people want it to do.

It is obvious, of course, that the Supreme Court is not composed exclusively of intelligent legal scholars with wisdom and integrity to uphold the Constitution regardless of their own political ideas or personal preferences. What is the remedy if the Supreme Court, in a case where it has no valid jurisdiction, hands down a *wrong* constitutional decision, which clearly violates the original intent of the Constitution?

The proper remedy is not a constitutional amendment, but an act of Congress withdrawing from the Supreme Court appellate jurisdiction in the case it wrongly decided, and prohibiting it from hearing any similar cases in the future. Congress has constitutional authority to limit, or abolish, the appellate jurisdiction of the Supreme Court. It has exercised that authority in the past, and the Court has obeyed.

Another essential principle of our constitutional system is that the individual States (while surrendering some of their sovereignty as independent republics in order to "form a more perfect Union") retained their sovereignty in *most* internal affairs, and retained *all* of the broad, *unspecified* powers of government. The result is that (except in a very few matters clearly specified in the federal Constitution) actions of a State government, with regard to the people of that State, *are not legally subject to review or control* by federal courts or by any other branch or agency of the federal government.

Except in a few kinds of cases clearly covered by provisions in the federal Constitution as amended, a person who feels abused by a law or action of his *state government* can get no legal, constitutional relief from the *federal government.* For more than a century, the Supreme Court held steadfast to this constitutional principle.

From 1789 onward, innumerable cases were brought into federal courts by individuals who felt abused by some *state* law. In all such cases reaching the Supreme Court, the Court consistently held (until 1905) that it had no authority to review actions of state governments. In many cases, the Court admitted that the state law, or regulation, in question was bad, and conceded that the persons bringing suit had been abused — but rebuked the complainants for bringing such cases into federal court.

The Supreme Court often told plaintiffs in such cases that their only legal remedy against state action was in their own state courts — or, if that remedy failed, at the polls. Instead of trying to get the federal government to move in, unconstitutionally, to protect them against actions by their own state governments, they should act *politically,* within their own states, against state governments which they consider abusive. In many cases, for more than 100 years, the Supreme Court warned that no state law, however bad, could be as harmful to individual liberty as the harm that would result if federal courts over-stepped the bounds of constitutional authority to supervise state legislation.

In the 1905 case (*Lochner versus New York*)[1], the Supreme Court overturned a New York State law regulating working hours in bakeries, on the grounds that the law denied laborers the right to contract as they pleased for the sale of their own labor. Associate Justice John Marshall Harlan (grandfather of the present Supreme Court justice with the same name) dissented from the 1905 decision, saying:

"No evils arising from . . . [State] legislation could be more far-reaching than those that might come to our system of government if the judiciary, abandoning the sphere assigned to it by the fundamental law, should enter the domain of legislation, and upon grounds merely of justice or reason or wisdom annul statutes that had received the sanction of the people's representatives . . . ."[1]

Another essential principle of our constitutional system is that political power — dangerous

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if concentrated in any one person, body, or agency — must be dispersed and balanced.

Political power was dispersed among state governments and the federal government, and federal power was balanced by state power. The limited power of the federal government was dispersed into three separate branches — the power of each balanced and checked by the power of the other two. Most of the power of the federal government was given to the legislative branch; and the legislative power was dispersed into two separate Houses of Congress — each representing a different set of interests, the power of one House checking and balancing the power of the other.

Apportionment

A question extensively debated and emphatically resolved at the Constitutional Convention of 1787 was whether representation in the two Houses of the national Congress should be based exclusively on population. The populous states wanted representation solely on the basis of population. Small states demanded equality of representation with large states. A marvelous compromise was effected: all states, regardless of size and population, would have equal representation in the Senate. Each state would have at least one Representative in the House of Representatives. Beyond that, a state's delegation in the U. S. House of Representatives would be determined by population, as revealed by the census every ten years.[2]

Hence, in elections for U. S. Senators and U. S. Representatives, there never has been "equality of voting power" for all voters in the United States. For example, the 1960 census shows a population of 226,167 for Alaska, 16,782,304 for New York. Each State, of course, has two U. S. Senators. Alaska has one U. S. Representative; New York has 41. Thus, every Alaskan voting for a U. S. Senator has 75 times as much voting power as a New Yorker voting for a U. S. Senator. Every Alaskan voting for a U. S. Representative has twice as much voting power as a New Yorker voting for a U. S. Representative.

Most States have this same kind of "apportionment" for the election of their State Senators and State Representatives: the States are divided into districts, or county units, in such a way that no district of the State is entirely without its own representation in at least one House of the State legislature — regardless of population. Even Nebraska (the only State with a unicameral, or one-house, legislature) is districted in such a way that the populous centers cannot elect *all* members to the State legislature.

Many States have apportionment arrangements, for elections to their State legislatures, that are absurd. In California, for example, one district with a population of more than 6 million sends one Senator to the State Assembly; another district, with a population of less than 15 thousand also sends one Senator to the State Assembly. In Connecticut, one district with a population of 81 thousand sends one Representative to the State legislature; another district with a population of only 191 also sends one Representative to the State legislature.

Some States have apportionment arrangements that violate their own State constitutions. For example, both the Alabama and the Tennessee constitutions require that State election districts be reapportioned every ten years; but the last apportionment effected in either State was in 1901.

For many years, individuals or political groups in various states have sued in federal courts, trying to force reapportionment within the states for state elections. For many years, the Supreme Court properly held that — regardless of how absurd or inequitable any such State apportionment may be — the federal courts had no constitutional authority to intervene in such internal political affairs of the States.

In 1962, the Warren Supreme Court struck down this constitutional barrier against federal encroachment, as it has torn down practically all other constitutional barriers against the illegal mushrooming of federal power. On March 26, 1962, the Supreme Court (in *Baker versus Carr*) ruled that federal

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courts did have jurisdiction to order the State of Tennessee to reapportion election districts for State elections.

The Court had *no* constitutional authority thus to meddle in the internal political affairs of the State of Tennessee; but the decision (as Earl Warren himself says) encouraged a "spate of similar cases" to be filed in federal courts.

On June 15, 1964, the Supreme Court (in 6-3 decision) ruled on six legislative apportionment cases, involving Alabama, Colorado, Delaware, Maryland, New York, and Virginia. Earl Warren, writing the main opinion for the majority, ruled that a state apportionment which does not provide for representation in both houses of the state legislature solely on the basis of population, violates the "equal protection" clause of the Fourteenth Amendment. Warren held that apportionment must be arranged to give equality of voting power to all voters.

This decision, if permitted to stand, will destroy existing forms of government in a majority of the States. It outlaws, for States, the same kind of balanced bi-cameral (two-house) legislative system that the federal government itself has. It leaves federal courts with undefined license to intervene in state elections.

Associate Justice Potter Stewart, dissenting from the June 15, 1964, apportionment decisions, said:

"The Court's draconian [which means, according to Webster's Unabridged Dictionary, *barbarously severe; harsh; cruel*] pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union . . . ."[3]

Associate Justice John Marshall Harlan (echoing prophetic sentiments of his grandfather who dissented in the Supreme Court's 1905 *Lochner versus New York case*) dissented from the majority in the apportionment decisions of June 15, 1964, saying:

"In these cases, the Court holds that seats in the legislatures of six States are apportioned in ways that violate the Federal Constitution. Under the Court's ruling, it is bound to follow that the legislatures in all but a few of the other 44 States will meet the same fate. These decisions . . . have the effect of placing basic aspects of State political systems under the pervasive overlordship of the Federal judiciary. Once again, I must register my protest.

"Today's holding is that the equal-protection clause of the 14th amendment requires every State to structure its legislature so that all the members of each house represent substantially the same number of people . . . .

"The equal protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker versus Carr* . . . made an abrupt break with the past in 1962.

"The failure of the Court to consider any of these matters cannot be excused or explained by any concept of 'developing' constitutionalism. It is meaningless to speak of constitutional 'development' when both the language and the history of the controlling provisions of the Constitution are wholly ignored . . . .

"State legislative apportionments, as such, are wholly free of constitutional limitations . . . . The Court's action now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power by this Court [Constitutionally, neither the President nor the Supreme Court can have any role in amending the Constitution. Congress is given the limited role of proposing a constitutional amendment; but only the people, acting through their state legislatures or through state conventions, can amend the Constitution].

"So far as the Federal Constitution is concerned, the complaints in these cases should all have been dismissed . . . because what has been alleged or proved shows no violation of any constitutional right . . . .

"The history of the adoption of the 14th amendment provides conclusive evidence that

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neither those who proposed nor those who ratified the amendment believed that the equal protection clause limited the power of the States to apportion their legislatures as they say fit. Moreover, the history demonstrates that the intention to leave this power undisturbed was deliberate [At this point, Mr. Harlan quotes extensively, from original sources, the evidence and the history which prove his point] . . . .

"The facts recited above show beyond any possible doubt:

"(1) that Congress, with full awareness of and attention to the possibility that the States would not afford full equality in voting rights to all their citizens, nevertheless deliberately chose not to interefere with the States' plenary power in this regard when it proposed the 14th amendment;

"(2) that Congress did not include in the 14th amendment restrictions on the States' power to control voting rights . . . .

"(3) that at least a substantial majority, if not all, of the States which ratified the 14th amendment did not consider that in so doing, they were accepting limitations on their freedom, never before questioned, to regulate voting rights as they chose . . . .

"The years following 1868 [when the 14th amendment was proclaimed ratified] . . . demonstrate . . . that the States retained and exercised the power independently to apportion their legislatures [At this point, Justice Harlan cites cases to prove his point] . . . .

"Mention should be made . . . of the decisions of this Court which are disregarded or, more accurately, silently overruled today . . . . [decisions] in which the Court held that the 14th amendment did not confer the right to vote on anyone [Mr. Harlan cites several cases] . . . .

"The Court's elaboration of its new 'constitutional' doctrine indicates how far — and how unwisely — it has strayed from the appropriate bounds of its authority . . . . It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States . . . .

"Records such as these in the cases decided today . . . . present a jarring picture of courts threatening to take action in an area which they have no business entering, inevitably on the basis of political judgments which they are incompetent to make. They show legislatures of the States meeting in haste and deliberating and deciding in haste to avoid the threat of judicial interference . . . .

"What is done today [by the Supreme Court] deepens my conviction that judicial entry into this realm is profoundly ill-advised and constitutionally impermissible . . . . The vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time, a complacent body politic may result.

"These decisions also cut deeply into the fabric of our federalism . . . . The aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable.

"Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional principle, and that this court should 'take the lead' in promoting reform when other branches of government fail to act.

"The Constitution is not a panacea for every blot upon the public welfare, nor should this court, ordained as a judicial body, be thought of as a general haven for reform movements.

"The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens.

"This court, limited in function in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the court adds something to the Constitution that was deliberately excluded from it, the court in reality substitutes its view of what should be so for the amending process."[3]

What To Do

As pointed out before, Congress has constitutional authority to limit, or abolish, the appellate

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jurisdiction of the Supreme Court — to nullify any obviously unconstitutional decision of the Court by enacting a law denying the Court jurisdiction in the case.

On August 19, 1964, the House of Representatives exercised its constitutional authority (and duty) with regard to the Warren Court's apportionment decisions of June 15, 1964. By a stand of 231 to 188, the House passed the Tuck Bill (HR 11926 — introduced by Representative William M. Tuck, Virginia Democrat) which says, in effect, that federal courts have no jurisdiction in cases involving legislative apportionment in the states.

The Tuck Bill is now before the Senate. The Senate should be stormed with endless, relentless demands to pass the Tuck Bill. Every Senator who refuses to support the Tuck Bill should be voted out of office. The voting of Representatives on the Tuck Bill is shown in a footnote to this *Report.*[4] Every Representative who voted against the Bill should be held accountable for his action, at the polls, this year. Every one who voted for it, should receive specific congratulations from the people.

Both presidential candidates this year — Barry Goldwater and Lyndon B. Johnson — should be pressed to take a clear stand on the Tuck Bill.

Deacon Larkin's Horse

KEY Records has produced a 1-disc album (long-playing, 33-1/3, unbreakable) of an Independence Day speech which I made at Boston to the New England Rally for God, Family, and Country. Walter Brennan (famous star of screen and television) signed the album-jacket of this record, saying:

"Never, to my knowledge, has the validity of the Southern Viewpoint or the metabolism of the American Purpose been brought into sharper focus than that achieved by Dan Smoot in this memorable address . . . .

"Frankly, factually, and with warm humor, this former Harvard educator, FBI agent and member of Mr. J. Edgar Hoover's Headquarters Staff, traces the American Dream from its inception, with special emphasis on the forces attempting to subvert that dream into a collectivist nightmare. As you listen to this inspired and entertaining address, you'll see the most celebrated of Paul Revere's rides in a new and proud light. And if your reactions harmonize with mine, you'll reflect that Dan Smoot, a latter-day courier in the cause of Constitutional Conservatism, is a vital modern counterpart of the patriot who made the famous ride on *Deacon Larkin's Horse.*"

This album (KLP-935, "Deacon Larkin's Horse") can be ordered directly from the Dan Smoot Report, P. O. Box 9538, Dallas, Texas 75214. Price $3.98 (Texans add 2% for sales tax).

FOOTNOTES

(1) *The Constitution of the United States of America: Analysis and Interpretation; Annotations of Cases Decided by the Supreme Court of the United States to June* 30, 1952, prepared by the Legislative Reference Service, Library of Congress, edited by Edward S. Corwin, 1953, U. S. Senate Document No. 170, pp. 564, 846, 977

(2) For details on the adoption of the Constitution, see *Documents Illustrative of the Formation of the Union of the American States,* prepared by Charles C. Tansill for the Legislative Reference Service, Library of Congress, U. S. House Document No. 398, 1927, 1115 pp.

(3) Excerpts from Supreme Court Apportionment Decision of June 15, 1964, *The New York Times,* June 16, 1964; pp. 28-32; complete text of Justice Harlan's opinion, *Congressional Record,* August 1, 1964, pp. 17091-9 (daily)

(4) The following United States Representatives voted *for* the Tuck Bill:

Alabama—George W. Andrews, Carl Elliott, George M. Grant, Robert E. Jones, Albert Rains, Kenneth A. Roberts, Armistead I. Selden, Jr.; *Arizona*—John J. Rhodes, George F. Senner, Jr.; *Arkansas*—E. C. Gathings, Oren Harris, Wilbur D. Mills, James W. Trimble; *California*—John F. Baldwin, Jr.; Don H. Clausen, Del Clawson, Charles S. Gubser, Harlan Hagen, Harold T. Johnson, Glenard P. Lipscomb, Minor C. Martin, B. F. Sisk, H. Allen Smith, Burt L. Talcott, Charles M. Teague, James B. Utt, Bob Wilson, J. Arthur Younger; *Colorado*—Wayne N. Aspinall, Donald G. Brotzman, J. Edgar Chenoweth; *Connecticut*—Abner W. Sibal; *Florida*—Charles E. Bennett, Don Fuqua, Edward J. Gurney, James A. Haley, A. Sydney Herlong, Jr., D. R. Matthews, Robert L. F. Sikes; *Georgia*—John W. Davis, John J. Flynt, Jr., E. L. Forrester, G. Elliott Hagan, Phil M. Landrum, J. L. Pilcher, Robert G. Stephens, Jr., J. Russell Tuten, Carl Vinson; *Idaho*—Compton I. White, Jr.; *Illinois*—John B. Anderson, Leslie C. Arends, Harold R. Collier, Edward J. Derwinski, Paul Findley, Kenneth J. Gray, Robert McClory, Robert T. McLoskey, Robert H. Michel, Charlotte Reid, Donald Rumsfeld, George E. Shipley, William L. Springer; *Indiana*—E. Ross Adair, William G. Bray, Donald C. Bruce, Charles A. Halleck, Ralph Harvey, Richard L. Roudebush, Earl Wilson; *Iowa*—James E. Bromwell, H. R. Gross, Ben F. Jensen, John R. Kyl; *Kansas*—William H. Avery, Robert Dole, Robert F. Ellsworth, Garner E. Shriver, Joe Skubitz; *Kentucky*—Frank Chelf, William H. Natcher, Carl D. Perkins, Eugene Siler, Frank A. Stubblefield, John C. Watts; *Louisiana*—F. Edward Hebert, Gillis W. Long, James H. Morrison, Otto E. Passman, T. Ashton Thompson, Joe D. Waggoner, Jr., Edwin E. Willis; *Maine*—Clifford G. McIntire; *Maryland*—Rogers C. B. Morton; *Massachusetts*—William H. Bates, Hastings Keith; *Michigan*—Elford A. Cederberg, Charles E. Chamberlain, Gerald R. Ford, Jr., Robert P. Griffin, James Harvey, Edward Hutchinson, August E. Johansen, Victor A. Knox, George Meader; *Minnesota*—Odin Langen, Ancher Nelsen, Albert H. Quie; *Mississippi*—Thomas G. Abernethy, William M. Colmer, Jamie L. Whitten, John Bell Williams, Arthur Winstead; *Missouri*—Durward G. Hall, W. R.

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Hull, Jr., Richard Ichord; *Montana*—James F. Battin; *Nebraska*—Ralph F. Beermann, Glenn Cunningham, Dave Martin; *New Hampshire*—Louis C. Wyman; *New Jersey*—James C. Auchincloss, Milton W. Glenn, Frank C. Osmers, Jr., George M. Wallhauser, William B. Widnall; *New Mexico*—Joseph M. Montoya, Thomas G. Morris; *New York*—Robert R. Barry, Frank J. Becker, Paul A. Fino, Charles E. Goodell, Clarence E. Kilburn, Carleton J. King, Harold C. Ostertag, John R. Pillion, Alexander Pirnie, R. Walter Riehlman, Howard W. Robison, Katharine St. George, J. Ernest Wharton; *North Carolina*—Herbert C. Bonner, James T. Broyhill, Harold D. Cooley, L. H. Fountain, David N. Henderson, Charles Raper Jonas, Horace R. Kornegay, Alton Lennon, Ralph J. Scott, Roy A. Taylor, Basil L. Whitener; *North Dakota*—Mark Andrews, Don L. Short; *Ohio*—Homer E. Abele, John M. Ashbrook, Jackson E. Betts, Oliver P. Bolton, Frank T. Bow, Clarence J. Brown, Donald D. Clancy, Samuel L. Devine, William H. Harsha, Jr., Delbert L. Latta, William M. McCulloch, Carl W. Rich, Paul F. Schenck, Robert T. Secrest, Robert Taft, Jr.; *Oklahoma*—Carl Albert, Ed Edmondson, Tom Steed, Victor Wickersham; *Pennsylvania*—Paul B. Dague, George A. Goodling, Albert W. Johnson, John C. Kunkel, John P. Saylor, Herman T. Schneebeli; *South Carolina*—Robert T. Ashmore, W. J. Bryan Dorn, John L. McMillan, L. Mendel Rivers, Albert W. Watson; *South Dakota*—E. Y. Berry, Ben Reifel; *Tennessee*—Irene B. Baker; Robert A. Everett, Joe L. Evins, Tom Murray, James H. Quillen; *Texas*—Lindley Beckworth, Jack Brooks, Omar Burleson, John Dowdy, O. Clark Fisher, Ed Foreman, Joe M. Kilgore, George H. Mahon, Wright Patman, Jake Pickle, William R. Poage, Joe Pool, Graham Purcell, Ray Roberts, Walter Rogers, Olin E. Teague, Clark W. Thompson, John Young; *Utah*—Laurence J. Burton, Sherman P. Lloyd; *Virginia*—Watkins M. Abbitt, Joel T. Broyhill, Thomas N. Downing, J. Vaughan Gary, John O. Marsh, Jr., Richard H. Poff, Howard W. Smith, William M. Tuck; *Washington*—Walt Horan, Catherine May, Thomas M. Pelly, K. William Stinson, Thor C. Tollefson, Jack Westland; *West Virginia*—Arch A. Moore, Jr.; *Wisconsin*—John W. Byrnes, Melvin R. Laird, Henry C. Schadeberg, Vernon W. Thomson, William K. Van Pelt; *Wyoming*—William Henry Harrison.

The following United States Representatives voted *against* the Tuck Bill:

Alabama—George Huddleston, Jr.; *Alaska*—Ralph J. Rivers; *Arizona*—Morris K. Udall; *California*—Alphonzo E. Bell, Jr., George E. Brown, Jr., Everett G. Burkhalter, Phillip Burton, Ronald B. Cameron, Jeffery Cohelan, James C. Corman, W. Donlon Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Craig Hosmer, Cecil R. King, Robert L. Leggett, William S. Mailliard, John J. McFall, George P. Miller, John E. Moss, James Roosevelt, Edward R. Roybal, Harry R. Sheppard, Lionel Van Deerlin, Charles H. Wilson; *Colorado*—Byron G. Rogers; *Connecticut*—Emilio Q. Daddario, Robert N. Giaimo, Bernard P. Grabowski, John S. Monagan, William St. Onge; *Delaware*—Harris B. McDowell, Jr.; *Florida*—William C. Cramer, Dante B. Fascell, Sam M. Gibbons, Claude Pepper, Paul Rogers; *Georgia*—Charles L. Weltner; *Hawaii*—Thomas P. Gill, Spark M. Matsunaga; *Idaho*—Ralph R. Harding; *Illinois*—William L. Dawson, Edward R. Finnegan, John C. Kluczynski, Roland V. Libonati, William T. Murphy, Barratt O'Hara, Melvin Price, Roman C. Pucinski, Daniel Rostenkowski; *Indiana*—John Brademas, Winfield K. Denton, Ray J. Madden, J. Edward Roush; *Iowa*—Fred Schwengel, Neal Smith; *Kentucky*—M. G. Snyder; *Louisiana*—Hale Boggs; *Maine*—Stanley R. Tupper; *Maryland*—George H. Fallon, Samuel N. Friedel, Edward A. Garmatz, Richard E, Lankford, Clarence D. Long, Charles McC. Mathias, Jr., Carlton R. Sickles; *Massachusetts*—Edward P. Boland, James A. Burke, Silvio O. Conte, Harold D. Donohue, Torbert H. Macdonald, Joseph W. Martin, Jr., F. Bradford Morse, Thomas P. O'Neill, Jr., Philip J. Philbin; *Michigan*—William S. Broomfield, Charles C. Diggs, Jr., John D. Dingell, Martha W. Griffiths, John Lesinski, Lucien N. Nedzi, James G. O'Hara, Harold M. Ryan, Neil Staebler; *Minnesota*—John A. Blatnik, Donald M. Fraser, Joseph E. Karth, Clark MacGregor, Alec G. Olson; *Missouri*—Richard Bolling, Thomas B. Curtis, Frank M. Karsten, William J. Randall, Leonor K. Sullivan; *Montana*—Arnold Olsen; *New Hampshire*—James C. Cleveland; *New Jersey*—William T. Cahill, Dominick V. Daniels, Florence P. Dwyer, Peter Frelinghuysen, Jr., Cornelius E. Gallagher, Charles S. Joelson, Joseph G. Minish, Edward J. Patten, Jr., Peter W. Rodino, Jr., Frank Thompson, Jr.; *New York*—Joseph P. Addabbo, Charles A. Buckley, Hugh L. Carey, Emanuel Celler, James J. Delaney, Thaddeus J. Dulski, Leonard Farbstein, Jacob H. Gilbert, James R. Grover, Jr., Seymour Halpern, James C. Healey, Frank J. Horton, Edna F. Kelly, Eugene J. Keogh, John V. Lindsay, Abraham J. Multer, John M. Murphy, Leo W. O'Brien, Otis G. Pike, Adam Clayton Powell, Ogden R. Reid, John J. Rooney, Benjamin S. Rosenthal, William Fitts Ryan, Samuel S. Stratton, John W. Wydler; *Ohio*—Thomas L. Ashley, William H. Ayres, Michael A. Feighan, Wayne L. Hayes, Michael J. Kirwan, William E. Minshall, Charles A. Mosher, Charles A. Vanik; *Oklahoma*—Page Belcher, John Jarman; *Oregon*—Robert B. Duncan, Edith Green, Walter Norblad, Al Ullman; *Pennsylvania*—William A. Barrett, James A. Byrne, Frank M. Clark, Robert J. Corbett, Willard S. Curtin, John H. Dent, Daniel J. Flood, James G. Fulton, William J. Green III, Elmer J. Holland, Joseph M. McDade, William S. Moorehead, Thomas E. Morgan, Robert N. C. Nix, George M. Rhodes, Fred B. Rooney, Richard S. Schweiker, Herman Toll, James D. Weaver; *Rhode Island*—John E. Fogarty, Fernand J. St. Germain; *Tennessee*—William E. Brock III, Clifford Davis, Richard Fulton; *Texas*—Robert R. Casey, Henry B. Gonzalez, Albert Thomas, James C. Wright; *Vermont*—Robert T. Stafford; *Virginia*—Porter Hardy, Jr., W. Pat Jennings; *Washington*—Julia B. Hansen; *West Virginia*—Ken Heckler, Elizabeth Kee, John M. Slack, Jr., Harley O. Staggers; *Wisconsin*—Lester R. Johnson, Robert W. Kastenmeier, Alvin E. O'Konski, Henry S. Reuss, Clement J. Zablocki.

The following United States Representatives did not take a stand on the Tuck Bill:

Bruce Alger (Texas), Walter S. Baring (Nevada), Ross Bass (Tennessee), Frances P. Bolton (Ohio), Stephen B. Derounian (New York), Charles B. Hoeven (Iowa), Elmer J. Hoffman (Illinois), Paul C. Jones (Missouri), William E. Miller (New York), William H. Milliken, Jr. (Pennsylvania), J. Irving Whalley (Pennsylvania).

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